

IN UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TAKIA WALTON, DANYLLE MCHARDY,
GEORGE DE LA PAZ JR., KEVIN JACOBS
and FEIONA DUPREE,
Each individually and on Behalf of
ALL OTHERS SIMILARLY SITUATED

Plaintiff,

v.

PUBLIX SUPERMARKETS, INC.

Defendant.

Civil Action No.: 1:19-cv-4466 LMM

Jury Trial Demanded

**PLAINTIFFS' AMENDED MOTION FOR LEAVE TO FILE A RESPONSE
TO DEFENDANT'S MOTION TO DISMISS**

COMES NOW Plaintiffs requesting leave to file a response to Defendant's Motion to Dismiss and state as a basis for the motion the following:

1. Plaintiffs' response to Defendant's Motion to Dismiss was due on Friday January 3, 2019, and Plaintiff prepared a timely response in order to meet the filing deadline.
2. Unfortunately, Plaintiffs' counsel responsible for filing Plaintiff's completed response to Defendant's motion was called away from the office to address a medical emergency involving a family member and thus was unable to file a response by the deadline.
3. Plaintiffs filed a response on the next business day on January 6, 2020 (Dkt No. 35), to document that no delay was intended in responding to the motion.

3. Defendant has stated that it plans to oppose the motion.

4. Since Plaintiffs filed a response on the next business day January 6, 2020 (Dkt No. 35), there was no substantial delay in responding and Defendant will not be prejudiced by the granting of this motion.

For these reasons, Plaintiffs respectfully request that the Court grant Plaintiffs leave to File a response to Defendant's Motion to Dismiss.

Respectfully submitted,

/s/ Arnold J. Lizana
Law Offices of Arnold J. Lizana III
GA Bar No.: 698758
1175 Peachtree Street NE, 10th Floor
Atlanta, GA 30361
ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on this January 13, 2020, a true and correct copy of the foregoing instrument was filed through the Court's electronic case filing which will serve a copy of this document electronically on all counsel of record.

/s/ Arnold J. Lizana
Arnold J. Lizana